

## PARLIAMENTARY ELECTIONS 2016



### Pre-election period

On September 1, 2016, Human Rights Center was registered as a local observation organization in the Central Election Commission, which was verified by the resolution #392/2016.1 Human Rights Center was granted with the status of local observation organization in all level polling places and was given the right to observe the election process throughout the country. Human Rights Center organized trainings for the selected observers about the election procedures in order to increase qualification of monitors.

Besides that, on September 19, web portal of Human Rights Center [www.humanrights.ge](http://www.humanrights.ge) was accredited as a media source observing the Election Day.

It was verified by the resolution #04-71/2016.2 Consequently, the web portal – [humanrights.ge](http://humanrights.ge) received

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status of accredited media resource at all levels of relevant polling places and could observe the ballot process anywhere in Georgia and to report about the Election Day including the pre and post election periods.

The journalists of Human Rights Center prepared articles in the quantity requested under the respective project. Besides Tbilisi, the journalists worked in the regions: Shida Kartli, Kvemo Kartli and Imereti. The events from Kakheti region were published in partnership with the Information Center of Kakheti. The web portal [humanrights.ge](http://humanrights.ge) published articles in two languages – English and Georgian.

Human Rights Center prepared social advertisement about the election monitoring and delivered the information to the population so that citizens could call the organization about the violations observed during the pre-election period and on the Election Day. The advertisement was aired via national channels: Imedi, Maestro, Kavkasia, Tabula, GDS, Georgian Public Broadcasting, Iberia TV, Palitraneews, Trialeti, Kvemo Kartli, Gurjaani, Rustavi TV-Radio Company. The hotline number worked in the head and regional offices of Human Rights Center: Tbilisi, Gori, Rustavi and Gurjaani. Human Rights Center's video studio – [hridc.tv](http://hridc.tv) prepared a documentary film about the pre-election period – Election Environment 2016.

Within framework of the project, the information about the concrete violations was collected systematically – about the misuse of the administrative resources, prevention of the election campaigns of the political parties, procedural violations on the Election Day etc. The representatives of Human Rights Center participated in the sessions of the Inter-Agency Task Force for Free and Fair Elections and the CEC.

During the pre-election period, Human Rights Center responded to election violations and alarming tendencies with public statements.

### **Address of Human Rights Center about the Incidents in Gori and Dididzeni**

Human Rights Center is concerned with the increasing frequency of aggressive incidents during the pre-election campaign and calls on the government to promptly investigate the facts, take effective steps to prevent similar incidents in future<sup>1</sup>.

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<sup>1</sup> see full text of the address at <http://humanrights.ge/index.php?a=main&pid=18908&lang=eng>

### **Human Rights Center responds to the dissemination of secret audio-records**

Human Rights Center responds to dissemination of the secret phone call records –between director general of the TV Company Rustavi 2 and one of the political leaders on September 14 in media.

The Constitution of Georgia and acting legislation protects every person's right to private life, confidentiality of phone conversation and other. The state is obliged to adequately and promptly respond to the violation of the fundamental rights<sup>2</sup>.

#### **The Election Day – October 8**



Human Rights Center observed the October 8, 2016 Parliamentary Elections with 41 observers in 4 selected regions. The monitors and journalists of the Center are deployed in the conflict-affected villages of Shida Kartli and in Gori; in Imereti region - in the conflict affected villages in Sachkhere municipality; Kvemo Kartli region - in the villages compactly inhabited with ethnic minorities in Gardabani, Marneuli and Bolnisi municipalities and in Rustavi; Kakheti region – in the villages of Pankisi Gorge. One part of the observers stayed in the precincts for the whole day and another part moved about the polling stations

<sup>2</sup> see full text of the address at <http://humanrights.ge/index.php?a=main&pid=18884&lang=eng>

in mobile groups. Web portal of Human Rights Center – [www.humanrights.ge](http://www.humanrights.ge) – worked actively and updated the society with the information about the violations observed by the monitors in the precincts in the four regions of Georgia. 24 articles, news and press-releases were published on the website.

The executive director of Human Rights Center participated in the briefings of NGOs organized by the Open Society Georgia Foundation in the election Media Centre. He delivered information in every 4 hours about the violations and general tendencies in the voting process.

### **Human Rights Center about the First Round of Elections**

In general, Human Rights Center evaluates that the elections was held in peaceful and fair environment. The monitors did not observe purposeful attempts of election fraud. The violations could not impact the election results. Absolute majority of violations was caused by low competence of the election commission members and poor knowledge of the election law. The commission members, mostly, took the remarks and suggestions of the observers into account. At the same time, except several cases, the commission chairpersons allowed the observers to fully implement their duties. The observed violations were mostly of procedural character and were caused by poor competence of the commission members. These problems were particularly common in Kvemo Kartli region, in the villages compactly inhabited with ethnic minority people, where the incompetence of the commission members often caused tension and even conflicts in the polling stations. It should be noted that in the Marneuli DEC # 36 the opposition political party won elections in the first round (during previous elections the ruling party used to win the elections). However, in the end, the candidate of the ruling party won elections in the second round.

Another fact that proves that the parliamentary elections were held in democratic and pluralistic manner is that the opposition political party UNM gained victory in one of the two precincts opened in the Afghanistan military base (Mazar Sharif polling station) and the ruling party GD gained more votes in the second (Bagram) polling station. Besides the explicit low competence of the commission members, extraordinary activity of the coordinators and agitators of the political parties nearby the polling stations, and their effort to control the voters was very alarming. Although the Georgian legislation does not forbid presence of the coordinators near precincts and propaganda, mobilization of the coordinators of the election subjects, who recorded coming voters, nearby almost every precinct shall be evaluated as a disturbing factor for the election process. Agitation was observed in several polling stations. Few incidents happened when coordinators and supporters of different political parties confronted each other. In some cases the controversies ended up in

physical quarrel. Human Rights Center believes similar incidents hinder citizens to express their choice freely.

On October 7, from 20:00 pm until October 9, 20:00 pm the de-facto authority of South Ossetia temporarily blocked the so-called checkpoints on the ABL. The decision was made by the de-facto security service of South Ossetia in relation with the ongoing parliamentary elections in Georgia. Regardless the closed checkpoints, citizens of Georgia living in the Russia-occupied territories try to cross the ABL and participate in the ballots in the villages under jurisdiction of Georgia.

Human Rights Center's observation team reported that a commission member in the # 53.50.46 PEC could not arrive from Kardzmani village, in the occupied territory and implement his duties on the polling day. A voter arrived at the polling station # 53.50.46 in Jria village, Sachkhere municipality via forest and river to participate in the ballot but he had left the ID card and could not vote.

When evaluating the tendencies of the polling day, it is important to note that as HRIDC observers reported, representatives of various observation organizations were in the precincts, who publicly expressed sympathies to concrete political parties that negatively impact the election environment.

Several gaps of the legislation were identified, which also hindered conduct of the elections in compliance with democratic principles.

## Second Round of the Parliamentary Elections

On October 30, the observers of Human Rights Center monitored the second round of the Parliamentary Elections in three regions of Georgia. The monitors and journalists of the Center were deployed in Kvemo Kartli region - in the villages compactly inhabited with ethnic minorities in Marneuli municipality; in the conflict-affected villages of Shida Kartli and in Khashuri; in Kakheti region – in the villages of Pankisi Gorge and also in the villages of ethnic minorities in Telavi municipality.

Like on October 8, the online website of Human Rights Center [www.humanrights.ge](http://www.humanrights.ge) actively worked and provided the society with the information about the violations observed on the polling day. Total 8 publications were published on that day.

The observers reported mostly low turnout of voters was observed in the polling stations where they monitored the process. Most probably it was caused by the fact that the second round was conducted only in the majoritarian districts and mostly two political parties contested each other.



According to the evaluation of the HRIDC observers the election process was conducted mostly in peaceful and fair environment. The observed violations were mostly of procedural and technical character, caused by incompetence of the commission members. The violations cannot impact the election results: among them were violations of certain legal procedures; the coordinators and agitators were very active in the vicinities of the polling stations and directly or indirectly influenced voters' choice; like in the first round, low qualification of the commission members were particularly alarming – they did not know procedural issues and main requirements of the law; at the same time more than one representatives of the election subject were in one precinct; problems about filling out demonstrative protocols were also observed; there were people in the polling places, who did not have identification badges; lack of ballot papers in the polling stations is still systemic problem; HRIDC monitors observed problems related with ID documents of voters; In some cases, representatives of local observation organizations publicly expressed sympathies to concrete election subjects.

### Recommendations of Human Rights Center

In the system of democratic governance, particularly when Georgia has declared its will to harmonize the national legislation with international standards, fair and transparent elections has the biggest importance. It is urgently important to create an election system, which will meet democratic standards, widely respected values that shall guarantee political stability in the end.

Human Rights Center believes the government shall take concrete, effective steps in order to reach the goal. The election reform shall be continued and all interested parties shall participate in it, including active engagement of NGOs and civil society.

#### **Human Rights Center recommends:**

##### **The Parliament of Georgia**

- To specify the requirement of the article 111 of the Election Code which states that a citizen who has not resided in Georgia for the past two years may not be elected as an MP of Georgia to avoid the disputes about the issue during next elections.
- To pay more attention to sophistication of voters' lists – to incorporate amendments to the legislation and oblige the family members of the deceased persons to inform the relevant bodies timely. In case of violation of the obligation, the responsible persons shall be fined. The amendments will reduce number of dead people in the voters' list.

- The acting legislation does not guarantee formation of apolitical and unbiased election administration; it shall be prioritized to find the mechanism which will make the DEC and PECs independent. Human Rights Center believes in-depth reform will be implemented based on which the commissions will be formed only based on the professional skills and political parties will not have rights to assign a person in any circles of the election administration.
- Legislation regulation shall be incorporated to ban employment of people in PECs and/or DEC, who had violated the election law and it is confirmed by the CEC's legal act or by the Court judgment.
- Extremely important is to organize inter-party discussions with the engagement of large specter of stakeholders, to abolish majority elections in order to enable election of MPs based on proportional system.
- Since the acting legislation enables any person who cannot fill out the ballot paper independently to ask another person for help, it is crucial that the same article contained clear regulations what is meant under a quotation "a person cannot independently fill in 42 a ballot paper". Existing regulation is unclear and gives room for numerous interpretations.
- It is important to add a relevant provision to the Election Code, which will disable a person to participate in the election, if it is impossible to estimate his/her identity based on the provided ID document on the polling day.

### **The Central Election Commission**

- It is crucial to permanently organize trainings, capacity building courses for the DEC and PEC members in order to improve their professional skills. Participation in them shall be obligatory in order to avoid low competence of commission members as a cause of law violation. It shall be taken into account that preparation of each person needs lot of financial and human resources, therefore, it is important to maintain qualified people in the PECs and DEC.
- Due attention shall be paid to the arrangement of precincts. The environment of the polling place shall comply with the requirements of the law. The CEC shall make concrete steps in this direction.
- In the precincts, where voters represent ethnic minority groups, the documentation shall be available not only in Georgian language, but also in the language understandable for the local population.
- Since particular miscarriages were observed in this direction, the awareness raising campaigns and civic educational activities shall be prioritized and additional measures shall be taken to fill in that gap.

- At the same time, it is important to strengthen the control over illegal influence on voters' will. When similar facts are observed, strict reaction from the side of the relevant state body is very important to ensure adequate respond to all illegal facts.
- In order to restrict misuse of administrative resources the population shall be aware about the difference between the election campaign of the ruling party and financial expenditures/activities of the executive or local self-government.
- Concrete steps shall be taken to adapt precincts for disabled people.

**The Ministry of Internal Affairs:**

- Firm and effective reaction to the facts of illegal influence and violence over the will of voters is very important to ensure legal liability of alleged perpetrators for every illegal act, which hinders citizens to express their choice freely. Prompt and effective reaction in the investigation process by investigative bodies is very important to impose criminal liability on alleged perpetrators timely.
- It is very important to timely and effectively respond to the facts of interference in the activities of the observers to ensure eradication of future incidents. Timely investigation into the criminal facts of physical abuse of observers and punishment of perpetrators is very important.

**Presentation of Human Rights Center's Monitoring Report and Screening of the Documentary Film**

On November 22, in the conference hall of Human Rights House Tbilisi, Human Rights Center presented the report - [Monitoring of the Parliamentary Elections 2016](#).<sup>3</sup>

The report was published in Georgian and English languages and presents the findings from the monitoring of the 2016 Parliamentary Elections. The monitoring covered the pre-election period, the Election Day and second round of the elections. The report reviews the violations observed by the monitors of Human Rights Center, systemic problems and other tendencies.

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<sup>3</sup> See full report [Monitoring of 2016 Parliamentary Elections](#)



After the presentation of the report, a documentary film “[2016 Parliamentary Elections](#)”<sup>4</sup> (author – Giorgi Janelidze) produced by the video-studio of Human Rights Center – HRIDC.tv was screened. The screening was followed by the discussion.



### Human Rights Center about Post-Election Period

Human Rights Center, together with other Georgia based nongovernmental organizations, held press-conference and [disseminated special statement](#)<sup>5</sup> about the facts of hindered activities of observers, their verbal and physical abuse.

We, the election observation organizations, express concern about the facts of hindering the work of election observers, their verbal and physical assault on October 8, the Parliamentary Election Day. We call on the law enforcement bodies to conduct timely and effective investigation to identify harassers and hold them responsible under the law.

### Physical assault of the Human Rights Center's observer

On October 8, 2016, Human Rights Center's observer Giorgi Tkebuchava monitored the polling process in Keshalo village precinct # 36 in Marneuli DEC # 35, where PEC chairman Payaz Velyev and deputy chairman Saamed Gajyev physically and verbally assaulted him.

The observer from the Multinational Georgia video-recorded the incident. The footage shows how Saamed Gajyev, the deputy chairman was shouting at the observer of Human Rights Center and pushes him with hands.

Human Rights Center called police to the precinct #37. Afterwards the witnesses were interrogated in Algeti police office. According to the police statement, the investigation started under article 1621 of the Criminal Code of Georgia, which implies: "violence or threat of violence in the polling station, in or near the location of the commission members, during pre-election propaganda or campaign".

On the second day expertise was conducted on Giorgi Tkebuchava's injuries. Despite that the observer still does not have victim status and the alleged perpetrators are not held responsible.

It is alarming that the Central Election Commission has not responded to the incident and has not commenced administrative procedures against the chairman and deputy chairman of the PEC #37.

On October 24, Human Rights Center petitioned to the Central Election Commission to take the abovementioned circumstances into consideration. The application was enclosed with the video-footage of the incident in the PEC # 37. The CEC forwarded the application to the Marneuli DEC #22, which studied the application and notified the Center that PEC members were requested to write explanation letters, where the facts of physical and verbal assault were not confirmed. The DEC clarified that the video-footage provided by Human Rights Center did not prove physical assault of the observer and consequently they did not issue administrative violation protocol on the fact.

Due to factual circumstances of the incident, which clearly indicated at the violation of the election law, Human Rights Center appealed the DEC decision under the administrative law. The organization appealed the CEC (Article 7 of the Election Code of Georgia) to discuss the administrative lawsuit of the Center, to study the circumstances and make relevant decision in order to hold alleged violators responsible under the administrative law.

On November 9, 2016 Central Election Commission did not satisfy the administrative appeal of Human Rights Center. In accordance to the CEC resolution<sup>6</sup>, when making the decision, the CEC relied on the letter sent by the head of the Algeti police unit, Marneuli municipality, which states that investigation into the violence fact against Giorgi Tkebuchava is going under Article 162<sup>1</sup> Part I of the Criminal Code of Georgia, which has not finished yet. As for the provision in the Article 10 of the Administrative Code of Georgia, it states that administrative responsibility can be imposed if the violations are not punishable under the criminal law.

### Media Activities of Human Rights Center

In the post-election period, Human Rights Center continues media activity. Journalists from Kutaisi, Gori, Rustavi and Tbilisi prepare publications for humanrights.ge, which reflect the developments after the parliamentary elections. Human Rights Center provides the society with the information about selecting personnel of the MPs' bureaus, possible sanctions on political parties and related topics. Human Rights Center publishes publications produced by the Information Center of Kakheti on the election-related issues.

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NORWEGIAN HELSINKI COMMITTEE  
DEN NORSKE HELSINGFORSKOMITE

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<sup>6</sup> See resolution at (available only in Georgian): [Resolution # 552/2016 Georgian Central Election Commission](#)